

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

ELAINE LANTHIER,

Plaintiff,

vs.

JOHNSON & JOHNSON, et al.,

Defendants.

2:13-cv-1655-JCM-NJK

ORDER

Defendants' Motion to Stay Proceedings (#4);

Before the Court is Defendants' Motion to Stay Proceedings (#4) filed on September 10, 2013. The Court finds that this motion is properly resolved without oral argument. *See* Local Rule 78-2.

BACKGROUND

This action involves allegations about pelvic mesh products that Plaintiff alleges are defectively designed, unreasonably dangerous, lacked adequate warnings, and not fit for the ordinary purpose for which they were intended. Defendants represent that there are thousands of virtually identical cases pending in federal district courts based upon diversity jurisdiction. Accordingly, the United States Judicial Panel for Multidistrict Litigation ("JPML") has established six separate Multi-District Litigations ("MLD") for claims related to the mesh products in the United States District Court for the Southern District of West Virginia.

Defendants have filed a Notice of Potential Tag-Along Action with the JPML regarding this case in accordance with the Rules of Procedure of the JPML. If the Panel issues a conditional

1 transfer order, this case will be transferred to the Ethicon MLD where it will be addressed along
2 with other cases now pending there.

3 **DISCUSSION**

4 The Court has inherent power to control its docket, including the discretion to stay
5 proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The determination of whether
6 to stay proceedings is best determined by weighing the competing interests of the parties and of
7 the Court. *Id.*

8 “Among those competing interests are the possible damage which may result from the
9 granting of a stay, the hardship or inequity which a party may suffer in being required to
10 go forward, and the orderly course of justice measured in terms of the simplifying or
complicating of issues, proof, and questions of law which could be expected to result
from a stay.”

11 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005); citing *Landis*, 299 U.S. at 268.

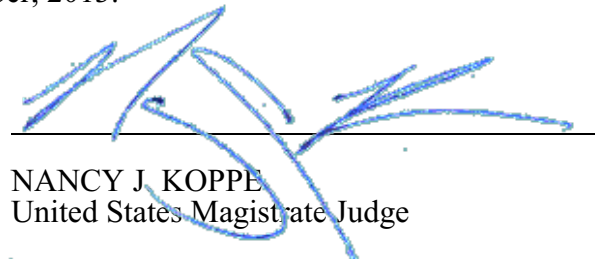
12 Here, pursuant to 28 U.S.C. § 1407 (a), the JPML issued a Transfer Order centralizing all
13 actions to the Southern District of West Virginia. Therefore, there is a likelihood that this case
14 will be transferred. A stay will simplify issues of proof, prevent duplicative discovery and
15 inconsistent rulings pretrial issues, and conserve the resources of the parties, their counsel and
16 the judiciary. Accordingly, the Court, having weighed the interests at hand, finds that a stay of
17 proceedings is appropriate in these circumstances. *See* Fed.R.Civ.P. 1.

18 **CONCLUSION**

19 Based on the foregoing, and good cause appearing therefore,

20 IT IS ORDERED that the Defendants’ Motion to Stay Proceedings (#4) is **GRANTED**.

21
22 DATED this 11th day of September, 2013.

23
24 
25 NANCY J. KOPPE
26 United States Magistrate Judge
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